

# **EXHIBIT A**

**AFFIDAVIT  
IN SUPPORT OF A SEARCH WARRANT**

Before the undersigned magistrate, in and for the County of Fairfax, Commonwealth of Virginia came this 15<sup>th</sup> day of August, **Detective R. E. Betts** of the Fairfax County Police Department, hereafter referred to as "Your Affiant". Your Affiant hereby swears and affirms that the information contained in this affidavit is true and correct to the best of his knowledge and belief.

Your Affiant is a duly appointed sworn police officer with the Fairfax County Police Department (FCPD), and has been as such since December 1999. Since 2007, Your Affiant has been assigned to the Gang Investigations Unit (GIU) which focuses on violent gangs operating in Fairfax County, Virginia. Your Affiant is also a deputized Task Force Officer with the Federal Bureau of Investigation (FBI) since 2009 and is assigned to a squad that investigates Criminal Enterprises and Violent Gangs for the Washington Field Office, Northern Virginia Resident Agency. Prior to joining the FCPD in 1999, Your Affiant attended Radford University earning a Bachelor of Science degree in Criminal Justice.

Your Affiant has received specialized training in the areas of search and seizure, search warrant preparation, and the gang/drug subculture throughout the 15 years with the police department. Your Affiant has participated in major criminal investigations related to gang/drug activity, including assault, destruction of property, firearm offenses, malicious wounding, narcotics trafficking, homicide, and numerous other criminal violations under state and federal law.

Your Affiant has conducted physical surveillance, interviewed informants and cooperating witnesses, prepared and executed search warrants and arrest warrants (both state and federal), analyzed phone and internet records, conducted court-authorized electronic surveillance, and participated in the arrest of gang members and drug traffickers. Through these investigations, Your Affiant has become knowledgeable about the enforcement of state and federal laws pertaining to gang/drug activities and racketeering enterprises. These criminal investigations have led to convictions in the Circuit Court, General District Court, and Juvenile Courts of Fairfax County, as well as the United States District Court for the Eastern District Court of Virginia.

Your Affiant is requesting a search warrant in relation to Section **18.2-255.2, Code of Virginia of 1950, as amended, to wit: Possession with the Intent to Distribute Marijuana within a School Zone.**

Your Affiant is requesting a search warrant for a cell phone found in possession of Ernesto Manuel Paiz Guevara aka Solitario. The cell phone is described as a CricKet cell phone, gray in color, Model #N8000, with MEID HEX# A0000037497153. Said phone is currently in the custody of the Fairfax County Police Department's property section after have been seized as evidence on May 15, 2014 at the time of Paiz Guevaras' extradition back to Fairfax County.

Your Affiant bases the request for a search warrant on the following material which constitutes probable cause. All information contained in this Search Warrant Affidavit is information which has either been spoken directly to Your Affiant or

information obtained by a Law Enforcement Official and relayed directly to Your Affiant.

On April 23, 2014, Your Affiant was in the area of 6024 Vista Dr, Falls Church (Fairfax County), VA, when Paiz Guevara was observed with 3 other known Mara Salvatrucha 13 member/associates. Your Affiant elected to conduct a consensual encounter with the group. Paiz Guevara was the second subject Your Affiant spoke to while dealing with the group. Your Affiant observed Paiz Guevara keeping his left arm suspiciously close to his left side as he walked towards me. Your Affiant also noticed a bulge in his left, sweatshirt pocket. Your Affiant believed Paiz Guevara to be armed with a weapon, so a Pat Down of the aforementioned area was conducted. As Your Affiant patted the area, Your Affiant felt hard lumpy objects, and heard the sound of plastic. Your Affiant immediately knew the item to be narcotics, and 7 jewelers' baggies containing marijuana was found inside a larger plastic ziplock baggie. The items were seized from Paiz Guevara's person. Paiz Guevara was informed that he would need to meet with Your Affiant at a later time for charging purposes. Paiz Guevara agreed, and was released on this date.

The narcotics were weighed, and field tested positive for marijuana. Your Affiant then packaged the items and met with a Fairfax County Magistrate to obtain an arrest warrant for Possession with the Intent to Distribute Marijuana within a School Zone due to the close proximity of school bus stops, and Bailey's Elementary School. The warrant was entered by the Warrant Desk. Paiz Guevara fled to Kansas City, MO, and was subsequently arrested at a later time. He was brought to the Jackson County Detention

Center in Kansas City, MO, and on May 15, 2014, Your Affiant (accompanied with Detective R. Allen with the Fugitive Task Force and Detective T. Heiden) picked up Paiz Guevara and extradited him back to Fairfax County, VA. Prior to leaving the detention center, Paiz Guevaras' possessions were turned over to Your Affiant. The aforementioned cell phone was one of the items, and it was determined that Paiz Guevara was in possession of said cell phone at the time of his arrest.

Based on Your Affiant's training and experience with narcotic distribution, along with those that are involved in this business, it is a known fact that drug dealers within these groups conspire and confederate to commit criminal actions with other members of their conspiracies. These members are also known to produce photographic images of their relationship with other distributors as well as documentary evidence in the form of telephone lists of clients and associates. In addition, it is Your Affiant's experience that drug dealers frequently utilize their cell phones to send text messages about criminal activity as opposed to talking on the phone due to their belief that law enforcement can not intercept such transmissions. This information would assist this investigation by confirming the subject's relationship and participation in the drug distribution business, and their criminal activities specifically related to the aforementioned violation of Section **18.2-255.2, Code of Virginia of 1950, as amended, to wit: Possession with the Intent to Distribute Marijuana within a School Zone.**

Based on the aforementioned facts and evidence, Your Affiant believes that there is evidence related to Section **18.2-255.2, Code of Virginia of 1950, as amended, to wit: Possession with the Intent to Distribute Marijuana within a School Zone**


located within the listed cell phone previously found in Ernesto Manuel Paiz Guevaras' possession at his arrest, and Your Affiant respectfully requests a search warrant be issued for the aforementioned described cell phone, as well as any related flash media, SIM card, or other media which is capable of storing magnetic, optical, and/or binary coding.

Your Affiant further requests the search warrant include all electronic recordings including but not limited to photographs or video, voice recordings, text messages, call history, address books, account information, identifying numbers assigned to the device, email correspondence saved to the device, voice mails saved to the device, instant messages saved to the device, internet history or related web sites, notes, documents, backups, file systems, and the defeating of any electronic locks or internal safe guards designed to prevent any unauthorized user from accessing the electronic records. ~~It is further requested that permission be granted for the electronic device to be examined in~~


~~it's entirety by the Fairfax County Police Department's Computer Forensics Unit, or~~

~~other designate, to examine, capture, and produce any information contained within~~

~~relative to criminal activity as referenced to the aforementioned facts.~~

  
 Detective R. E. Betts, Affiant

Subscribed and sworn before me this 15<sup>th</sup> day of August, 2014

 #011  
 Magistrate

8/15/2014 1110  
 Date/ Time